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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,134	03/30/2001	Shoichi Nagatomo	01196/LH	8674
1933	7590	10/29/2003	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 10/29/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,134

Applicant(s)

NAGATOMO ET AL.

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 6.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are pending for the examination. Claims 6-17 are removed from further examination. Action on claims 1-5 follows

Election/Restriction

2. Claims 6-17 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a non-elected species and groups. Election was made **without** traverse in Paper No. 5 dated 9-11-03.
3. NOTE: A typographical error was made in paper no. 5 above. **The elected claims are 1-5 NOT 1-6.** This error was confirmed by Mr. Leonard Holtz on 10-23-03.
4. Applicant is reminded that **upon the cancellation of claims to a non-elected invention, the inventorship must be amended** in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

The Applicants are urged to cancel non-elected claims 6-17.

Content of Specification

5. The disclosure is objected for following reasons.
 1. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). New abstract on a separate sheet is required.

2. Applicant is reminded of the *proper content* of an Abstract of the Disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains.

If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure.

If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement.

If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the **range of 50 to 250 words**. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," *etc.*

In the present abstract the invention itself is not described, abstract is vague and **too short**.

Corrections are required.

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

Specification

7. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. It is recommended that the title should reflect the gist of or the improvement of the present invention.

Correction is required.

Corrections are required.

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pierson et al., US. patent 5,982,736 (hereafter Pierson).

As to claim 1, Pierson discloses the invention as claimed [see Figs. 1-10, especially 1, 2B and 7] including non-circular recording medium, an optically readable or writable recording area and a discontinuity, comprising:

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non-circular recording medium [fig. 2B, unit 20'] on which a recording track is formed, the recording track comprising [col. 7, lines 18-63].

an optically readable or writable recording area [data zone 34; col. 5, lines 25-38 and col. 7, lines 37-63], wherein the recording track comprises a discontinuity [col. 8, lines 35-50 and fig. 2B & fig. 7, area beyond 38' and 38", respectively] where no data is writable or readable [col. 7, lines 8-11; col. 8, lines 11-34 and fig. 10, area 23].

9. As to claim 2, Pierson discloses:

the recording medium has a form such as a triangle, square, polygon, ellipse or star [fig. 1] [col. 5, lines 9-23 and col. 5, line 52 to col. 6, line 9].

10. As to claim 3, Pierson discloses:

the recording track comprises a read only area [ROM], where data is beforehand recorded and an additionally writing area [data zone 34] where data is additionally writable [col. 5, lines 25-38].

11. As to claim 4, Pierson discloses:

the recording track comprises either a plurality of concentric tracks or a spiral track [col. 1, 43-62].

NOTE: Since Pierson also discloses conventional CD and DVD format disc, it inherently has spiral tracks.

12. As to claim 5, Pierson discloses:

A non-circular recording medium [fig. 2B, unit 20'] on which a spiral track [col. 1, 43-62] or a plurality of non-circular recording tracks are formed [col. 7, lines 18-63], wherein:

the spiral track or at least one of the plurality of non-circular recording tracks comprises a discontinuity [col. 8, lines 35-50 and fig. 2B & fig. 7, area 38' and 38", respectively]; and

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the spiral track or the plurality of recording tracks comprises a read only area [ROM] where data is recorded beforehand, an additionally writing area where data is additionally re-writable [col. 5, lines 25-38], and a track information recording area where information on disposition of the spiral track or plurality of recording tracks is recorded.[col. 7, lines 18-63].

Other prior art cited

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
1. Ro et al. (US. patent 5,940,363) "Optical disk with memory chip ..".
 2. Wood (US. patent 6,510,124) "CD card".
 3. Siegel (US. patent 6,288,996) "Ticket/pass formed of a cut optical disk".
 4. Liu et al. (US. patent 6,339,569) "Optical data card servo writer...".
 5. Minemura et al. (US. patent 5,583,840) "ROM type optical recording medium ..".

Contact information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel
Patent Examiner
Group Art Unit 2655

October 24, 2003